IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1059 (S/S) of 2005

1. Nandan Singh Kumtiya, son of Sri Bhupal Singh, resident of Puranpur, Post Office – Chakaluwa, Tehsil – Kaladungi, District – Nainital .

2. Chandra Shekhar, son of late Sri Jiwa Nand, resident of Village - Bajonia Haldu Kotabagh, District – Nainital.

…….Petitioners.

V e r s u s.

1. State of Uttaranchal through Secretary, Home, Dehradun.
2. Collector, Nainital
3. Joint Director of Education, Kumaon Mandal, Nainital.
4. Prabhari Adhikari, Nazarath Office of the district Magistrate, Nainital.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri T.S. Rautela, learned counsel for the petitioners and learned standing counsel, who has accepted notices on behalf of the respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed to issue a writ in the nature of Mandamus commanding the respondents to issue appointment letters to the petitioners in compliance of the government order dated 11.08.2004 as well as in pursuance of the order of Collector, Nainital by which the petitioners were selected for appointments.

The submission of the learned counsel for the petitioners is that petitioners took active apart in the Uttarakhand Movement for creation of the new State and were sent to jail during the movement. Agitators of the Uttarakhand movement were succeeded and as a result of which State of Uttaranchal was created. After creation of the State of Uttaranchal, the Government issued an order dated 11.08.2004 by which Collectors of the concerned Districts were directed to verify those persons who took active part in the Uttarakhand movement and have gone to jail for seven days or more during the Uttarakhand movement so that the services in Class III posts, which are not within a purview of Public Service Commission, may be provided to them.

In pursuance to the aforesaid Government Order, the District Magistrate issued a notice dated 16.12.2004 to the petitioners that they are required to submit their all relevant documents. All these relevant documents were submitted by the petitioners to the office of District Magistrate, Nainital within time.

Thereafter, the District Magistrate, Nainital, directed the CMO to conduct the medical examination of activists of Uttarakhand Movement, who were found to be eligible including the petitioners for appointment. On 12.01.2005, the petitioners came to know that 15 activists of the Uttarakhand Movement have been selected by the Collector, Nainital for appointment.

Learned counsel for the petitioner has submitted that though the petitioners have been selected but appointment letters were not issued to them. Consequently, the petitioners have submitted their representation to respondent no. 1 on 04.03.2005, which is annexure no. 5 the writ petition.

During the course of arguments, learned counsel for the petitioners has confined his prayer that a direction may be issued to respondent no. 1 to decide the petitioners' representation with a speaking order.

The prayer is innocuous. Respondent no. 1 is directed to decide the representation of the petitioners dated 04.03.2005 within a period of six weeks' from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 29, 2005
SKSharma